

CHAPTER 4.1-39 CROP PROTECTION PRODUCTS

4.1-39-01. Crop protection product harmonization and registration board - Recovery of funds.

The crop protection product harmonization and registration board may accept funds for expenses paid relating to the registration of pesticides or donations offered to or for the benefit of the board. All moneys received under this section must be deposited in the minor use pesticide fund to pay expenses relating to the registration of pesticides or for the specific purpose for which they are given. Whenever possible, the board shall attempt to recover funds expended relating to the registration of pesticide. The board shall adopt rules to administer this section.

4.1-39-02. Crop protection product harmonization and registration board - Membership - Duties - Grants.

1. The crop protection product harmonization and registration board consists of:
 - a. The governor or the governor's designee;
 - b. The agriculture commissioner or the commissioner's designee;
 - c. The chairman of the house agriculture committee or the chairman's designee;
 - d. The chairman of the senate agriculture committee or the chairman's designee;
 - e. A member of the house or senate agriculture committee who is not a member of the faction in which the committee chairman is a member, appointed by the legislative management chairman;
 - f. A crop protection product dealer in the state appointed by the governor from a list of three nominees submitted by the North Dakota agricultural association;
 - g. A consumer of crop protection products appointed by the governor from a list of three nominees submitted by the North Dakota grain growers association;
 - h. A consumer of crop protection products appointed by the governor from a list of three nominees submitted by the North Dakota oilseed council;
 - i. A representative of the crop protection product manufacturing industry appointed by the chairman of the legislative management; and
 - j. The director of the North Dakota state university agricultural experiment station.
2. The director of the agricultural experiment station shall serve as a nonvoting member. The governor or the governor's designee shall serve as chairman of the board.
3. The board shall:
 - a. Identify and prioritize crop protection product labeling needs;
 - b. Explore the extent of authority given to this state under the Federal Insecticide, Fungicide, and Rodenticide Act [7 U.S.C. 136a];
 - c. Identify the data necessary to enable registration of a use to occur in a timely manner;
 - d. Determine necessary research to fulfill the data requirements for activities listed in this section;
 - e. Request the agriculture commissioner to pursue specific research funding options from public and private sources;
 - f. Request the North Dakota state university agricultural experiment station to pursue specific research to coordinate registration efforts; and
 - g. Pursue opportunities to make more crop protection product options available to state agricultural producers through any means the board determines advisable.
4. The board may contract with a consultant to provide studies, research, or information regarding crop protection product registration and labeling needs.
5. The board may administer a grant program through which agriculture commodity groups may apply for funds to be used to address issues related to the registration of crop protection products. To be eligible for a grant, an applicant must submit an application to the board requesting a specific amount of funds, specifying the exact purposes for which the grant would be used, and providing a detailed timetable for the use of the grant funds. The board may impose any additional conditions it determines

appropriate for grant recipients, including requiring periodic reports and furnishing of matching funds. The board may terminate funding of a previously approved grant at any time if the board is dissatisfied with the performance of the grant recipient.

6. The board may use not more than fifteen percent of the funds under its supervision for administrative purposes, including the cost of contracting for administrative services and reimbursement of board member expenses. The members of the board who are members of the legislative assembly are entitled to compensation and expense reimbursement from the legislative council for attendance at board meetings at the rate provided for members of the legislative assembly for attendance at interim committee meetings.
7. The board may adopt rules to implement this section.

4.1-39-03. Crop protection products - Canadian labels.

The agriculture commissioner, with the advice and consent of the appropriate agricultural commodity group, may authorize the sale and use in this state of a crop protection product that has a Canadian label, if the commissioner determines that a crop protection product having an American label contains substantially similar active ingredients and that the importation and use of the product with a Canadian label does not violate federal law. The commissioner shall require an applicator to possess the American label and apply the product in accordance with the American label provisions.

4.1-39-04. Special local needs exemption - Tolerances.

The agriculture commissioner, in cooperation with the environmental protection agency, shall use tolerance data established or obtained in North America in pursuing special local needs exemptions for crop protection products under the Federal Insecticide, Fungicide, and Rodenticide Act [7 U.S.C. 136 et seq.].

4.1-39-05. Crop protection products - Registration process - Joint labeling.

The governor and the agriculture commissioner shall work with all appropriate public and private entities to foster the development of a single, uniform process for the joint North American labeling of crop protection products not available for sale and use in this state as of April 19, 1999.

4.1-39-06. Crop protection products - Request to petition for registration.

On the written request of any agricultural commodity group, the agriculture commissioner shall petition the environmental protection agency for the American registration of a crop protection product approved for use in Canada.

4.1-39-07. Environment and rangeland protection fund.

The environment and rangeland protection fund is a special fund in the state treasury. The moneys in this fund may be used for rangeland improvement projects and to address issues relating to harmonization of crop protection product standards. The rangeland improvement projects may include noxious weed control; ground water testing, analysis, protection, and improvement; analysis of food products for residues of pesticides and other materials; and analysis and disposal of unusable pesticides and pesticide containers.

4.1-39-08. Minor use pesticide fund - Continuing appropriation.

The minor use pesticide fund is created as a special fund in the state treasury. All moneys in the fund are appropriated on a continuing basis to the crop protection product harmonization and registration board for the purpose of conducting or commissioning studies, investigations, and evaluations regarding the registration and use of pesticides for minor crops, minor uses, and other uses as determined by the board.